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Paper No. 18

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**ON PETITION**

In re Application of  
Hiroshi Nakamura  
Application No. 09/730,515  
Filed: December 15, 2000  
Attorney Docket No. 107156-00033

This is a decision on the petition under 37 CFR 1.137(b), filed December 26, 2002, to revive the above-identified application.

The petition is **GRANTED**.

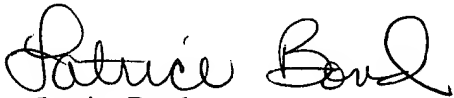
The above-identified application became abandoned for failure to timely pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)III(A)(1). Therefore, the filing of a continuing application is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the petition to charge any additional fees due, the \$1280 issue fee will be charged to petitioner's deposit account.

Petitioner is advised that the issue fee in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

<sup>1</sup> The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. The request and pertinent attachments should be addressed to Box Issue Fee. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. Failure to request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.

The application file is being forwarded to Technology Center AU 2653 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

A handwritten signature in black ink, appearing to read "Latrice Bond". The signature is fluid and cursive, with the first name "Latrice" and the last name "Bond" clearly distinguishable.

Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy